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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,204	01/14/2002	Takeshi Nakao	36856.593	7389
7590 07/29/2004				
Keating & Bennett LLP Suite 312 10400 Eaton Place Fairfax, VA 22030			EXAMINER BUDD, MARK OSBORNE	
			ART UNIT 2834	PAPER NUMBER

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,204

Applicant(s)

NAKAO ET AL.

Examiner

Mark Budd

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5-8-04</u> | 6) <input type="checkbox"/> Other: _____ |

Claims 1, 3-5, 7 and 9-11 are rejected under 35 USC 103 as unpatentable over the Prior Art (Applicant's fig. 4) (Referenced by Applicant as AAPA) in view of Koshino.

The Prior art (applicant's fig. 4) teaches the specific SAW configurations but the jumper wires cross the electrodes and/or reflector elements. However Koshino (Figs. 6b, 10, 14, 16-18, 20, 21, 23 & 25) teach connection of multiple SAWs to the terminal pads via jumper wires that are specifically routed so as not to cross over any electrode or reflector fingers. Such constructions would eliminate possible unwanted capacitive coupling and possible short-circuiting during manufacturing.

Applicant has argued that Koshino does not teach how to avoid jumper wires from crossing the IDT's or reflectors of more than a single device. The examiner feels that applicant takes an unreasonably narrow view of Koshino's teachings. Why would one deliberately allow jumper wires to crossover IDT's or reflectors just because more than one device is provided on the same substrate?

Additionally, applicant argues that the main thrust of Koshino's teaching is the even spacing of terminals and not avoiding jumper wires crossing over the active areas. The examiner notes fig. 23, where jumper wires #76 and #84 would clearly have a more direct path to their respective equally spaced terminals if these wires did cross over IDT #73 or reflector #75. Instead, a deliberately circuitous route is shown. Thus the equal spacing of the terminals is not the reason for the jumper wires not crossing over an IDT or reflector. Japan (390) is withdrawn as a reference. The examiner is curious as to why applicants are requesting an English language translation of a document issued in their native tongue.

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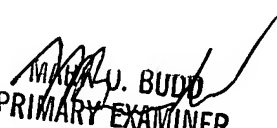
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Budd whose telephone number is (703)308-3929. The examiner can normally be reached on (571)272-2019 from 6am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Schuberg, can be reached on (571)272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Budd/ds

07/22/04


MARK J. BUDD
PRIMARY EXAMINER
ART UNIT 2834